

HOUSE BILL NO. 433

INTRODUCED BY S. MALEK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE AGES FOR COMPULSORY SCHOOL ENROLLMENT AND ATTENDANCE; AMENDING SECTIONS 20-5-102 AND 20-5-103, MCA; AND PROVIDING AN EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-5-102, MCA, is amended to read:

"20-5-102. Compulsory enrollment and excuses. (1) Except as provided in subsection (2), any parent, guardian, or other person who is responsible for the care of any child who is 7 6 years of age or older prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111 until the ~~later~~ earlier of the following dates:

(a) the child's ~~16th~~ 17th birthday; or

(b) the date of completion of ~~the work of the 8th grade~~ high school graduation requirements.

(2) A parent, guardian, or other person shall enroll the child in the school assigned by the trustees of the district within the first week of the school term or when ~~he~~ the parent, guardian, or other person establishes residence in the district unless the child is:

(a) enrolled in a school of another district or state under any of the tuition provisions of this title;

(b) provided with supervised correspondence study or supervised home study under the transportation provisions of this title;

(c) excused from compulsory school attendance upon a determination by a district judge that attendance is not in the best interest of the child;

(d) excused by the board of trustees upon a determination that attendance by a child who has attained the age of ~~16~~ 17 is not in the best interest of the child and the school; or

(e) enrolled in a nonpublic or home school that complies with the provisions of 20-5-109. For the purposes of this subsection (2)(e), a home school is the instruction by a parent of ~~his~~ the parent's child, stepchild, or ward in ~~his~~ the parent's residence and a nonpublic school includes a parochial, church, religious, or private school."

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2 **Section 2.** Section 20-5-103, MCA, is amended to read:

3 **"20-5-103. Compulsory attendance and excuses.** (1) Except as provided in subsection (2), any parent,
4 guardian, or other person who is responsible for the care of any child who is ~~7~~ 6 years of age or older prior to the
5 first day of school in any school fiscal year shall cause the child to attend the school in which ~~he~~ the child is
6 enrolled for the school term and each school day ~~therein in the term~~ prescribed by the trustees of the district until
7 the ~~later~~ earlier of the following dates:

8 (a) the child's ~~16th~~ 17th birthday; or9 (b) the date of completion of ~~the work of the 8th grade~~ high school graduation requirements.

10 (2) The provisions of subsection (1) do not apply in the following cases:

11 (a) The child has been excused under one of the conditions specified in 20-5-102.

12 (b) The child is absent because of illness, bereavement, or other reason prescribed by the policies of
13 the trustees.

14 (c) The child has been suspended or expelled under the provisions of 20-5-202."

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16 NEW SECTION. **Section 3. Effective date.** [This act] is effective July 1, 2009.

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